

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 12, 1927.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, and Steck; 4 - absent, Councilman Reed.

The Minutes of the previous meeting were read and Councilman Mueller moved the adoption of the same. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mrs. Lilly C. Haynie and R. S. Pryor presented petitions to the Council, signed by the business firms located on Congress Avenue between Sixth and Seventh Streets and Eighth and Ninth Streets, asking the Council to place concrete steps ~~to be placed~~ from the street to the sidewalk along these blocks. Councilman Pannell moved that the requests be granted and the matter referred to the City Manager for an estimate of the cost of same and report to the Council at its next meeting. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell and Steck, 4; nays, none, Councilman Reed absent.

Albert R. Davis, Superintendent of Water Lines, and Walter E. Seaholm, Superintendent Electric Lines, made a report to the Council of the work being done by their departments.

The Petition of R. H. Wingard, Owner, asking that the Council set aside an assessment, in the amount of \$16.74, on Lots 6 and 7, Division "C", City of Austin, for the years ~~1924~~, 1924, 1925, and 1926, by reason of his having erroneously paid taxes on Lots 1 and 2, Division "C", instead of Lots 6 and 7. Councilman Steck moved that in accordance with the recommendation of S. W. Mabry, Finance Director, the request be declined. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

A petition, signed by residents along San Pedro Street, asking that the City require the premises at 2816 San Pedro Street to be connected with the Sanitary Sewer, was read and same was referred to City Manager Johnson.

A petition signed by residents on South First Street, asking that the Council prohibit the playing of baseball by colored boys in said street on account of the danger to residents accruing from such practice, was read and referred to the City Manager.

Acting City Manager Rector read a communication to the Council, signed by the employees of the Sanitary Department, expressing their appreciation to City Manager Johnson in granting to them the Saturday half-holidays accorded other departments of the City government.

A petition, signed by the merchants and property owners along East Tenth Street and adjacent thereto, asking that the one-hour parking law be made to apply to East Tenth Street from Congress Avenue to Brazos Street, was read and referred to City Manager Johnson for consideration in his report to the Council of the streets where the one-hour parking law should apply.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, on or about October 17, 1908, Wm. Hardcastle filed and had recorded in the office of the Clerk of the County Court of Travis County, Texas,

plat of purported subdivision of four and a half (4-1/2) acres of land in Austin, Travis County, Texas, said subdivision being on said plat designated "University Heights", which said plat is now of record in the Plat Records of said Travis County, Texas, in Volume 2, page 173; and

WHEREAS, said entire tract of four and a half (4-1/2) acres of land, more or less, is now owned by G. F. Zimmermann; and

WHEREAS, no streets or alleys have been in fact surveyed or otherwise laid out or opened in said tract of land, nor has said plat, nor the dedication of the streets and alleys shown thereon, been accepted by the City of Austin; and

WHEREAS, in the deed granted by J. Reuel Boone and wife to said G. F. Zimmermann, whereby the entire tract of four and a half (4-1/2) acres, more or less, was conveyed to said G. F. Zimmermann, said plat and subdivision were abandoned and the dedication of the streets and alleys shown thereon declared of no force and effect and said G. F. Zimmermann desires that the City of Austin agree to cancellation of said subdivision and plat and return of said entire tract of four and a half (4-1/2) acres, more or less, to undivided acreage property; and

WHEREAS, said tract of four and a half (4-1/2) acres of land, more or less, is surrounded entirely by undivided acreage property;

NOW, THEREFORE, it is hereby resolved that cancellation by G. F. Zimmermann of said plat and said subdivision shown thereon, and particularly the dedication of the streets and alleys sought to be affected thereby be and the same is hereby agreed to by the City of Austin, and that the City of Austin hereby relinquishes and abandons unto the said G. F. Zimmermann, his heirs and assigns, all the right, title and interest of the City of Austin and the public in and to the streets and alleys shown on said plat.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, Lot 25, Outlot 8, Division "D", City of Austin, Texas, together with improvements thereon, owned by E. R. York was assessed for City taxes for the year 1923 at a valuation of \$4,000.00; and

WHEREAS, it appears that the Unit plan assessment of said lot for said year should have been \$1,820.00;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said assessment for said year on said property be changed so as to read \$1,820.00, and that the City Tax Assessor and Collector be instructed to change his rolls accordingly.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, Lots 6 and 8, Block 11, Harper's Resubdivision of Grooms Addition to the City of Austin, Texas, owned by T. S. Painter, were assessed at \$250.00; and

WHEREAS, it appears from a statement of Mr. W. A. Pillow, President of the Board of Equalization for that year, that this assessment was excessive, and

that same should have been \$250.00; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Tax Assessor and Collector be instructed to change his rolls accordingly.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, J. P. Schutze is the owner of Lot 14, in Block 4, Outlot 70, Division "D", Austin, and paid taxes on said property for the year 1926; and

WHEREAS, it appears that the improvements on said property were assessed for said year in the sum of \$2750.00, which was an over-assessment to the extent of \$550.00; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said assessment be corrected so as to read \$2200.00, and that the sum of \$12.10 be and the same is hereby refunded to said J. P. Schutze as overpayment of said taxes on account of said excessive assessment, and that an appropriation of said amount be and the same is hereby made out of the General Fund for such purposes.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, it appears that the improvements situated on Lots 15 and 16, Block 20, Hyde Park Addition No. 1, City of Austin, owned by J. A. Battle, were assessed for city taxes for the year 1926, at \$2165.00; and

WHEREAS, it appears that the proper assessment of said improvements should have been \$1920.00 for said year; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said assessment be corrected so as to read \$1920.00 and that such correction be made upon the tax rolls.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, certain improvements on the 250 feet fronting on Chicon Street in Outlot 61, in Division "B", City of Austin, owned by Mrs. Lizzie Freeman Jones, were assessed for city taxes for the year 1926 at \$530.00, and said assessment was thereafter increased by the Board of Equalization to \$500.00; and

WHEREAS, it appears that said original assessment represented the fair taxable value of said improvements; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said assessment on said improvements for said year be corrected so as to read \$530.00, and that such correction be made upon the tax rolls.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, the improvements on Lot 5, Block 2, Outlot 70, Division "D", City of Austin, owned by Burt Brydson, are assessed for \$2500.00 for city taxes for the year 1926; and

WHEREAS, it appears that said assessment is excessive, and that the fair taxable value of said improvements for said year was \$1860.00; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said assessment on said improvements for said year be corrected so as to read \$1860.00, and that such correction be made upon the tax rolls.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of \$24.85 be and the same is hereby appropriated out of the General Fund for the purpose of paying Jesse Hornsby for damages to his automobile caused by collision with a motorcycle officer of the City of Austin, on Lavaca Street at the intersection of 19th Street, on January 11, 1927, and that warrant for said amount be delivered to said Hornsby upon execution and delivery by him of all further claims for damages on said account.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, it appears that on March 10, 1927, Salem Hello made application for a building permit for the purpose of building a wooden frame building to be located on Lot 13, Block 2, Outlot 1, in the City of Austin, and that said permit was approved by the city authorities; and

WHEREAS, acting under said permit, said Salem Hello purchased certain lumber, contracted with one C. O. Wheeler, and began the erection of said building; and

WHEREAS, it further appears that at the time said permit was granted, the city ordinance inhibited the erection of a wooden building upon said property on account of same being within the fire limits; and on account of said ordinances, said Hello was prevented from proceeding further with the completion of said building; and

WHEREAS, said Hello and C. O. Wheeler, his contractor for said building, have submitted their claims for damages, in the aggregate amount of \$810.00; and

WHEREAS, said parties have finally agreed to take the sum of \$350.00 in full settlement of their claims, with the condition that the city shall have all the lumber delivered on said property for use in the construction of said building, and that the city shall remove that portion of said building already constructed; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of \$350.00 be and the same is hereby appropriated out of the General Fund, for the purpose of paying said parties their said damages, and that warrant for said amount be delivered to said parties upon execution and delivery to the City of their respective releases from all further claim for damages on said account.

The above resolution was adopted by the following vote: Ayes, Mayor

McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of \$100.00 is hereby set aside and appropriated out of the General Fund, in addition and supplementary to the sum of \$1320.00, heretofore appropriated in the General Budget of 1927, under Item No. 16102, for salary of Police and Ground Man at Barton Springs, said sum hereby appropriated being payable in equal installments of \$20.00 for the months of May, June, July, August, and September, 1927.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Councilman Mueller moved that in accordance with the recommendation of the City Engineer and City Attorney, the application of Hermann Becker to erect a wooden platform on Trinity Street, adjoining and connecting with the east wall of the warehouse being erected at the corner of East Fourth Street and Trinity Street, be declined. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

A RESOLUTION GRANTING HERMANN BECKER THE RIGHT TO ERECT A PLATFORM ON EAST FOURTH STREET, ABUTTING LOT NO. 6, IN BLOCK 40, CITY OF AUSTIN.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Hermann Becker be and he is hereby granted the right and privilege to erect and maintain a platform over that part of the sidewalk along East Fourth Street, joining Lot No. 6, Block 40, in the City of Austin, said platform to be about 46 feet in length and about 10 feet in width, and to be raised to the loading height of an average freight car from such grade or walk as the City Engineer will designate, and steps or ramps of substantial kind shall be placed at the ends of said platforms, all in accordance with the plans for said construction which have been filed with the City Engineer, and said construction shall be approved by the City Engineer when finished, all in conformity with the use of said street as a business and warehouse street. This privilege, however, is given with the expressed condition that same may be revoked at anytime by the City Council, if in its judgment said platform should present a hazard to travelers on said street, or the City Council should determine to use said sidewalk for any public purpose inconsistent with this grant; and by the acceptance of this privilege, said Hermann Becker agrees to remove said platform at anytime upon the demand of the City Council.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

WHEREAS, it appears that the city taxes on Lot 33, Outlot 36, in Division "D", owned by the Young Women's Christian Association of the University of Texas, are delinquent and unpaid for the years 1920, 1921, 1922, 1923, 1924, and 1925; and

WHEREAS, it is shown that during said years said Association did not use said property for its own purposes, but leased same for profit; but it also appears that during said years said Association was led to believe by the authorities of the City of Austin that said property was exempt from taxation on account of being owned by an eleemosynary institution, and that on account of such belief said taxes were not paid; and

WHEREAS, it appears that penalties and interest for said years have accrued and been charged against said Association; and

WHEREAS, it appears right and proper that on account of the foregoing facts, said Association should not be now charged with interest and penalties for said years; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That all interest and penalties accruing from the taxes on said Lot 33, Outlot 36, Division "D", City, for said years be and the same are hereby cancelled, upon the condition, however, that said Young Women's Christian Association of the University of Texas will pay the taxes for each of said years.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of \$900.00 be set aside and appropriated out of the General Fund, for the purpose of paying W. E. Dozier for the construction of 720 square yards of rock asphalt pavement, at \$1.25 per square yard, at the intersection of Congress Avenue and 19th Street, in the City of Austin, as per terms of the contract heretofore made between the City and said Dozier, under authority of the City Council.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Mayor McFadden laid before the Council the following ordinance:

AN ORDINANCE REGULATING TRAFFIC ON THE STREETS OF THE CITY OF AUSTIN, CUMULATIVE OF CERTAIN ORDINANCES HERETOFORE ORDAINED, REPEALING ALL ORDINANCES IN CONFLICT HERewith, AND PRESCRIBING PENALTIES.

The ordinance was read the first time and Councilman Mueller moved that the rule be suspended and the ordinance placed on its second reading. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The ordinance was read the second time and Councilman Mueller moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

Councilman Steck moved that the Council recess, subject to call of the Mayor. Motion prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The Council then recessed.

Approved: _____

Mayor.